

DRAFT
CHAPTER 6 COMMENTS
Environmental Caucus
January 20, 2004

In the overall, we feel that this chapter as well as Chapter 1 are the heart of the California Water Plan, and we are pleased that you have devoted a full chapter to the steps that are intended to make the Plan actually happen. As usual, we have some comments and suggestions that we think will be helpful for the acceptance of the Plan as well as suggestions that represent the views of our constituency. Our specific comments follow:

1. Since Chapter 6 builds on the Implementation Guide and Key Recommendations of Chapter 1 (as clearly stated in Chapter 6), and since we have recommended a number of changes for those parts of Chapter 1, those same suggestions would apply to the Chapter 6 implementation plans. If you adopt our previous suggestions for Chapter 1, the Summary of Strategy Recommendations section in Chapter 6 may need to be modified to be in synchronization with Chapter 1. Key to this would be an explanation of an expanded Implementation Guide Table for Chapter 6 – assuming that you have used a summarized version in Chapter 1 per our suggestions – and a line up of Strategy Recommendations similar to the sequence of the revised Key Recommendations of Chapter 1. This would present both the conservation/demand reductions actions in balance with the CALFED STAGE 1 recommendations. Unlike the current Chapter 1, the existing Chapter 6 Summary of Strategy Recommendations already reflects a reasonable balance in the type of recommendations that each of the major constituent groups is interested in.
2. In the Summary of Strategy Recommendations section, it is not clear that the “Invest \$1 Billion per year...” statement in the current Recommendation #1 applies to some of the subsequent recommendations in that section. This needs clarity.
3. The Required Resources under Recommendation #1 seem very slim. Shouldn’t this activity be given more priority and attention by DWR than a one headcount increase?
4. Recommendation #2 should contain the phrase: “...and other demand reduction measures....” in the list of actions shown in the recommendation.
5. In Recommendation #2, it does not seem reasonable that Items A and B under the “How” section needs to wait until 2008. We believe that the water efficiency and demand reduction actions of Recommendation #2 should not wait until 2008, if that indeed was your intent. In our review of all the other recommendations, the same 2008 date appears in many of them. It gives the impression that we will wait until 2008 for implementation; we do not believe that was your intent.

6. In Recommendation #3, the recommendation doesn't seem to say anything that is action oriented. It appears that the "How" is really the recommendation and should be stated as such.
7. While we have not complained about bias in the past, we now see a bias that is not appropriate in Key Recommendation #4. It appears that the only state constitutional responsibility specifically mentioned is to carry out feasibility studies for CALFED surface storage options. This is not appropriate. Either eliminate the phrasing related to the state's constitutional responsibility or list all the other important state constitutional responsibilities, such as the public trust, environmental justice, beneficial uses of water, avoidance of harmful and wasteful uses of water and similar constitutional responsibilities.
8. The Funding Strategies section is full of actions (the bullets) that don't say much, such as "strive for maximum leverage," "encourage maximum return," "implement integrated investment strategies," "employ innovative financing" and similar catch phrases that don't explain the action that is required. The fifth bullet: "The State should continue to use General Obligation Bonds....." is an example of a real action that makes sense in this section. You need a significant revise of this section to spell out the specific actions that must be undertaken to make the financing plan a reality.
9. In the Tracking Implementation section, "Tracking Costs and Benefits" could be moved up the list as the first indicator. That will help reduce the criticism that you will only be measuring dollars funded, projects undertaken and similar measures that don't say anything about achieving statewide and project objectives.
10. Numerous Potential Supply Benefit numbers are missing from Table 6-1 that should have best available numbers shown. It will help make the case that we hope you will be making with us which is that there is good potential for efficiency and related actions and they should be shown. The data that is missing include: Aquifer Remediation, Drinking Water Treatment & Distribution, Pollution Prevention, Urban Runoff Management, Ocean Water Desal, Additional Agricultural Water Use Efficiency (RDI), and Additional System Reoperation.
11. For a number of strategies, the protection of public trust values can clearly be seen as "challenges" to implementation and it would be helpful to underline those areas where public interests are most vulnerable and thus in need of enhanced protection.
12. The NAFTA classification of water as a product can present some problems related to public health and the environment, this should also be listed as an implementation challenge.

13. Ensure that legal counsel to State and Regional Water Quality Control Boards explicitly note public trust considerations when presenting agenda items to their Boards.
14. Make a good faith effort to ensure that advisory and decision-making bodies reflect the diverse perspectives held by Californians impacted by water policies and decisions.
15. In Table 6-1, under "ecosystem restoration," identify that it supports objectives of "improve water quality" and "flood management." These cross connections need closer scrutiny and clarification; for example, "science" (on the second page) can "apply to all strategies."
16. In Table 6-2, while we recognize that this is incomplete and that the initial identification of "entities" which might play a role is rough. However, drawing connections to "entities" needs a lot more thought. Here are a few problems that need to be corrected:
 - Entity terminology/meaning: "Local utility." Is this the same as a "special district"? The latter seems more apt in many cases. For example, agricultural water use efficiency can be implemented by water districts as well as users, although neither is identified in the table.
 - "CBDA," The Bay Delta Authority is flagged inconsistently across programs and projects. In some cases it is represented as the responsible agency without also checking federal and/or state; in other cases programs are identified as CBDA, state and/or federal. The problem is that there's almost no CALFED program, other than "Science," which is implemented by the CBDA. CBDA has management oversight but implementing agencies are drawn from the state and federal governments. For example, the USBR and DWR implement water use efficiency, DFG, FWS, and NOAA Fisheries implement ecosystem restoration, USBR and DWR implement storage projects. Generally when there's a CALFED program/project identified, there should be corresponding state and/or federal involvement flagged.
 - "Regional organization." Will this be defined? Does it include watershed groups, COGs, JPAs?
 - Designations of responsibility or involvement in the near-term implementation section has so many inconsistencies that it is questionable how useful it is. Examples:
 - a. Conjunctive management/groundwater storage: While we can agree that the CBDA/State provide assistance for conjunctive management and groundwater storage, we need to identify necessary local (special district or government) and regional involvement.
 - b. Drinking water is not just CBDA. Identify federal, local "utility"/special district, and state.

- c. Economic incentives: Regional organizations only? At least federal, local utility/district, state.
- d. Ecosystem restoration: What happened to federal, state, regional?
- e. Floodplain management-- Unless the strategy is narrowly defined (focused on the direct "management," we would think the federal and state governments have a role (e.g., COE, FEMA, and Reclamation Board).
- f. Matching water quality: Primarily local utility.
- g. Pollution prevention: Should include federal and state.
- h. Statewide water planning/CBDA-- Unless we misunderstand the content of this category, this is one which is primarily CBDA as a stand alone rather than state and federal.
- i. System reoperation/FERC hydro: There is a strong federal role here (not just FERC, but federal land management agencies) as well as a potential state role (water quality).
- j. Watershed management: As to the Bay-Delta program watershed program, this is one which is implemented by various federal and state agencies and which presumes a strong role for regional organizations.